

**OFFICE
OF
ADMINISTRATIVE HEARINGS**



**2007
ANNUAL REPORT**



About the Office of Administrative Hearings

The Office of Administrative Hearings (OAH) is an independent unit within the executive branch of State government created to centralize and improve Maryland's administrative hearing process at a reduced cost to its citizens.

Thomas E. Dewberry is the Chief Administrative Law Judge (CALJ). A ten-member State Advisory Council on Administrative Hearings (Council) meets quarterly and advises the CALJ.

Section 9-1604(c) of the State Government Article requires the CALJ to submit an annual report to the Governor and, subject to Section 2-1312 of the State Government Article, to the General Assembly. Section 9-1604(c) also permits OAH to prepare and submit its report in conjunction with the Council. In the interest of government efficiency and economy, OAH and the Council submit their 2007 annual reports jointly.

Mission

OAH's mission is to provide due process for any person or business affected by the action or proposed action of State agencies in a prompt and efficient manner.

I. EXECUTIVE SUMMARY

The following is a summary of OAH's 2007 accomplishments:

A. Meetings with Agencies

Maintaining communication with the agencies for which OAH conducts hearings is vital to its on-going operation. CALJ Dewberry and members of his management staff met with various members



In 2007 OAH:

- **Received 48,808 new cases**
- **Had a 98.48% timeliness rate for issuing decisions**
- **Successfully mediated 92% of the special education settlement conferences that were scheduled**
- **Conducted 60% of its hearings throughout the State**
- **Increased Community Outreach and Education**
- **Enhanced technology**
- **Provided Statewide mediation training**
- **Conducted in-depth ALJ Training Sessions**

of Governor O'Malley's Cabinet to provide them with background information regarding OAH and answer their questions. Accordingly, OAH met with agency heads from the following Maryland State agencies:

- Department of Budget and Management (DBM)
- Department of the Environment (MDE)
- Department of Health and Mental Hygiene (DHMH)
- Department of Human Resources (DHR)
- Department of Labor, Licensing and Regulation (DLLR)
- Department of Natural Resources (DNR)
- Department of Public Safety and Correctional Services (DPSCS)
- Department of Transportation (MDOT) and the Motor Vehicle Administration (MVA)
- Human Relations Commission (CHR)
- Office of the Attorney General (OAG)
- Retirement and Pension System (RPS)

In addition, the Directors of Quality Assurance and Operations met quarterly with staff from the Department of Education, the Director of Administration confers at length with DBM to review OAH's programs and financial requirements throughout the year and representatives from OAH attend the DHR annual Child Abuse and Neglect Appeals Conference.

B. Community Outreach and Education

Branded D.U.I.

OAH is proud to report that the National Capital Chesapeake Bay Chapter of the National Academy of Television Arts and Sciences honored the film *Branded D.U.I.* with an Emmy Award in the category of "Teen Program/Special." On June 16, Administrative Law Judge (ALJ) Yvette N. Diamond was presented with the Emmy Award for her production of *Branded D.U.I.* at the Ritz-Carlton in Washington, D.C.

In 2007, OAH received many requests for speakers and ALJs traveled to high schools around the State to introduce *Branded D.U.I.* and discuss the dangers of underage drinking and driving. The expectation is that teens will identify with at least one of the students in the film, learn from the experiences of their peers and make better choices. Attachment A is a summary of the *Branded D.U.I.* presentations that ALJs made in 2007.





OAH continuously works to increase public awareness so that Maryland's citizens are familiar with OAH and its mission. ALJs are always available for community outreach and education.

In the past year, ALJs:

- Participated as faculty members for a Maryland State Bar Association MICPEL program
- Served as panelists in national and local task forces to combat driving under the influence of drugs and alcohol
- Made presentations to the National Association of Unemployment Insurance Appellate Boards, Maryland Trial Lawyers Association, the Maryland Employment Lawyers Association and the Medical Office for the Circuit Court for Baltimore City, as well as to local bar associations, law school and paralegal student classes, and served as trial judges at area high school and college mock trial competitions

Attachment B is a comprehensive list of the presentations that ALJs gave in 2007.

OAH also produced a brochure, which provides an overview on the OAH and has been distributed to, among others, new agency heads, members of the General Assembly, Central Panel Directors and community groups. Attachment C is OAH's brochure.

C. Local, National and International Perspectives

Local

On September 21, Judge Glenn T. Harrell, Jr., Maryland Court of Appeals, and Judge James R. Eyler, Maryland Court of Special Appeals, presented an annual update on recent Maryland appellate administrative law decisions. Judge Harrell has been conducting this annual ALJ training session for approximately thirteen years.

CALJ Dewberry and ALJ Diamond are members of the Administrative Law Section Council of the Maryland State Bar Association (MSBA). ALJ Diamond serves as Chair of the Public Education Committee. The Administrative Law Section Council meets on a regular basis throughout the year.

CALJ Dewberry and approximately eight ALJs participated in the 2007 Maryland Judiciary and MSBA Joint Bench Bar Conference held in Ocean City, Maryland in June. The Educational Programs were beneficial to the ALJs, particularly the programs dealing with dispute resolution, ethics, professionalism, efficient and effective ways to use paralegals, and witness reliability. This annual meeting provides a forum for ALJs to discuss OAH with members of Maryland's legal community.



Many of OAH's ALJs are members and officers of the Maryland and District of Columbia Association of Administrative Adjudicators (MDCAAA), an affiliate organization of the National Association of Administrative Law Judiciary (NAALJ). In 2007, ALJ James T. Murray, the Acting President of MDCAAA, worked extensively with the affiliate and the Washington College of Law at American University in the planning of the NAALJ Annual Conference that was held in Washington, D.C.

National

The central panel concept has been incorporated to greater and lesser degrees in twenty-eight jurisdictions. Maryland's OAH is one of the largest central panels in the country with the broadest jurisdiction.

CALJ Dewberry, the Directors of Quality Assurance and Operations, ALJs Laurie Bennett and Jana Corn Burch, respectively, and the Deputy Directors of Operations and Quality Assurance, ALJs Wayne A. Brooks and J. Bernard McClellan, respectively, attended the 2007 Central Panel Directors' Conference in Greensboro, North Carolina on October 31 – November 4. This annual conference is an opportunity for Maryland's OAH management staff to meet with other central panel directors and exchange ideas. Directors discussed the results of a national survey of central panel directors, case management technology, legislative and budgetary issues, managing new jurisdiction and creative solutions to common problems. CALJ Dewberry participated on a special education panel discussion and management staff traveled to Elon University Law School for a presentation on "Courtroom Technology in North Carolina Business Court and Resolving E-Discovery," which was extremely informative and beneficial.

As previously noted, the NAALJ 2007 Annual Conference was held in Washington, D.C. on October 16 – 20. CALJ Dewberry, the Director of Quality Assurance, the Deputy Director of Quality Assurance and ALJs Diamond, Louis Hurwitz, Murray, Stephen Nichols, A. Michael Nolan and Thomas Welshko participated in all or part of the Conference. The following ALJs were part of the Conference faculty:

- ALJ Welshko participated on a plenary session panel on "Evidence & Credibility for Fact Finding."
- ALJ Hurwitz participated on two breakout session panels on "Pro Se Litigant: A Balancing Act for the Adjudicator" and "Judicial Ethics."
- CALJ Dewberry and ALJ Diamond were panel members for a breakout session entitled "*Branded D.U.I.* – Emmy Winning Documentary."

CALJ Dewberry is an Officer of NAALJ and currently holds the position of Treasurer. He attended the Mid-year Meeting and Educational Conference in June, which was held in Des Moines, Iowa.

International

On May 18, the International Law Institute hosted delegations from Latvia, Nigeria and Uganda for a Government Anticorruption Methods course. As part of the program, a presentation was made on OAH's creation, growth and the administrative hearing process. CALJ Dewberry and members of management staff participated in the presentation and gave the participants a tour of the facility.

D. Financial Impact of OAH's Fiscal 2007 and Appropriated Fiscal 2008 Budget

OAH's appropriated budget for Fiscal 2008 is \$12,394,230, which includes a 2% cost of living adjustment for State employees. Approximately 95% of OAH's appropriation is dedicated to salaries and benefits, contractual services and rent. The breakdown of OAH's budget is:

- 82% Salaries and benefits, including contractual employees
- 4% Contractual services of which half is dedicated for legal services
- 8% Rent for three offices
- 6% Routine travel, utilities, supplies and materials, equipment and motor vehicle operations

The majority of OAH funds are reimbursable, which is the transfer of funds from agencies for which hearings are held. An allocation of cost is prepared each year based upon caseload and the time required to adjudicate each type of case. The budgets for the agencies for which OAH holds hearings include an appropriation for "hearings" based on this allocation. At the beginning of each fiscal year, agencies transfer the appropriated funds to OAH. Attachments D and E show Fiscal 2007 and 2008 agency allocations.

In 2007, OAH improved service to the citizens of Maryland and increased efficiency through:

- Enhanced technology
- ALJ training programs
- Significantly increasing community outreach and education programs
- Participation on Task Force
- Video-conference hearings
- In-house development of OAH brochure
- Utilization of mediations and settlement conferences

E. Managing for Results (MFR)

OAH strives to provide an efficient and high quality administrative hearing process to the citizens of Maryland and views the MFR plan as a valuable tool to assess its success in achieving that goal.

MFR allows OAH to track its performance in the following three key areas:

1. completion of the administrative hearing process, from appeal to disposition;
2. issuance of non-bench decisions in a timely manner; and
3. conducting administrative proceedings in a professional and competent manner and issuing decisions that address and resolve the issues raised by the participants of the proceedings.

In Fiscal 2007, OAH was able to document a reduction in the number of days from appeal to disposition in DHMH cases (29.5 to 27.7 days), MIA cases (92 to 84.5 days), State Personnel and Management System cases (117.6 to 106.3 days) and Miscellaneous cases agencies not otherwise specifically monitored (113 to 107.8 days). The percentage of non-bench decisions that were issued in a timely manner remained high, at 98.5% and the number of participants in the hearing process, who rated the hearing process as either satisfactory or excellent, also remained in a very high range in all three areas.

F. Information Technology

The year 2007 brought many technological changes and enhancements to OAH.



Laptops

OAH purchased Dell Latitude D630 laptops for its ALJ staff and digital recording software, which will be installed in the laptops, and will provide ALJs with the ability to work from remote locations during any "down time." Because the laptops will be used to record hearings, ALJs will now be required to transport their laptops to various hearing locations around the State. As a result of the mandatory use of laptops, each ALJ will now be able to record a hearing via digital recording software, access the document management system to work on a decision, and access Microsoft Outlook to read and respond to electronic mail. The use of the laptops provide the ALJs with the ability to complete his/her day-to-day activities in a more expeditious manner positively impacting OAH's service to Maryland citizens. In addition, the use of the laptops and the new digital recording software will significantly improve the quality of the recordings of OAH's hearings.

Digital Recording Project

The Information Technology (IT) department will start the implementation phase of the digital recording project in January 2008. VIQ Solutions Encompass software will provide a flexible digital recording solution for all of OAH's Hunt Valley hearing rooms and a portable digital solution when ALJs travel throughout the State to conduct hearings. The digital recording software will provide an automatic download process of the recordings from a laptop or a fixed workstation to OAH's network without any manual intervention. This process will occur automatically each time ALJs connect their laptops to the local area network. OAH's media department can then transfer the audio recording into its case management system or to an audio CD for transcription.

CaseLoad 4.0 Migration Project

OAH's IT department successfully moved the CaseLoad 4.0 case management system to a server that is covered under a factory hardware warranty. The new CaseLoad 4.0 server provides OAH with a stable working environment for our current case management system until the new myCaseLoad software is ready for implementation.

MdTime Leave Accounting System

The IT department installed the beta version of the MdTime leave accounting system on OAH's network to help streamline the process of OAH's timesheets. Other State agencies are also piloting MdTime's electronic timesheet, including DBM, to help develop a statewide leave

accounting system. OAH's Administration, Operations and IT departments are currently testing this new leave accounting system.

OAH Google Search Engine

DBM has implemented a new search system for Maryland.Gov and affiliated State government agency web sites. This new search system is powered by Google Search Engine technology. OAH implemented the new Google search feature on our web site on March 23, 2007. The new search engine provided the State's citizens/visitors efficient and consistent access to information.

OAH Brochure

OAH's IT department designed a brochure template using Microsoft Publisher 2007. OAH's management staff wrote the content found in the brochure, which has been printed using an in-house HP Color LaserJet 5550 printer and folded using an in-house paper folder.

ALJ Training Room

The following equipment was installed in the ALJ Training Room to provide full multimedia functionality for ALJ training sessions:

- Multimedia projector
- 84x84 electric screen
- Video extender
- Audio receiver
- DVD player and speakers

G. OAH's Participation in Statewide Initiatives

Mental Health Subcommittee



OAH has been a active participant in the Mental Health Subcommittee of the House Workshop to Study Maryland Law Regarding Access to Firearms and Sharing of Health Information. In summary, the task force is reviewing ways to avoid the Virginia Tech tragedy by making certain that the Maryland State Police (MSP) gain access to mental health information for gun permit applicants. OAH would be instrumental in that process because it conducts hearings related to persons with mental illness and collects basic information about the dispositions for those hearings. OAH is diligently working with MSP, DHMH and DPSC to

determine how the information can be shared in conformity with state and federal laws that require protection of such medical records.

Evaluation Committee for the Statewide Language Interpretation Services Contract

OAH's Director of Office Services, Victoria Zimmerman, and Chief Clerk, Linda Novak, served on a committee established to review proposals submitted for Statewide Contract Interpreting Services. This contract was placed out for bid by DBM. The committee, which consisted of individuals from several State agencies, reviewed technical performance and financial proposals submitted in response to the Statewide Contract. Ms. Zimmerman and Ms. Novak worked with the committee for approximately four months reviewing and evaluating proposals, attending oral presentations and making recommendations concerning the process prior to an award being made by DBM.

The Request for Proposals was to provide Maryland State agencies with competent, continuously available telephonic, on-site and written document language translation services to minimize or eliminate language barriers. These services were to provide an on-demand, easy to use, cost-effective source of language interpretation to State government personnel and other entities.

Awards were made to Lionbridge for on-site interpreter services, CTS Language Link for telephonic interpreter services and Schreiber Translations, Inc. for written interpretation.

Leave Accounting System (LAS) Committee

The LAS/MdTime User Group, which consists of 22 agencies, meets on a monthly basis to answer questions on the older LAS system and works on the new online system, MdTime. DBM initiated a contract with Stephenson Financial Systems, Inc. and is working with Stephenson to coordinate the implementation of MdTime. OAH volunteered to be a pilot agency for the MdTime system and, as previously mentioned, a small group of OAH employees started using the new system in October.

OAH's Director of Finance, Patricia Bennett, has been working with the user group since the inception of OAH in 1990. Ms. Bennett is currently testing the new MdTime system and is on a small committee responsible for analyzing the accuracy of MdTime and compiling necessary changes and reports needed to go live with the new system. Ms. Bennett is also a co-coordinator of the group in the capacity of assisting other agencies with questions and problems regarding the older LAS system.

II. Legislative History and Background

OAH was created by Chapter 788 (SB 658) of the Laws of 1989, codified in State Government Article, Title 9, Subtitle 16 of the Annotated Code of Maryland. Chapter 788 incorporated the recommendations of the Governor's Task Force on Administrative Hearing Officers.

Noting the concerns of the business community, the public and members of the bar, the Governor charged the Task Force with examining the then-current administrative hearing system and recommending needed changes. The Task Force issued a final report strongly endorsing the creation of a centralized administrative hearing process and identifying many problems with the non-centralized system. Hearing officers lacked adequate training opportunities, suffered from poor salaries, often failed to write decisions that would withstand judicial scrutiny, were supervised by the agencies for which they issued decisions and were not subject to uniform procedures or codes of responsibility and ethics.

Following enactment of the legislation, staff from agencies as diverse as DHMH, DLLR and MDE were consolidated into a central office. ALJs were cross-trained to handle a wide variety of cases and projected operational efficiencies were realized. Uniform Rules of Procedure were promulgated in 1991 and the Code of Ethics modeled on the Judicial Code of Ethics were adopted.

In late 1991, the Commission to Revise the Administrative Procedure Act (APA) was appointed to study and update Maryland's APA to reflect the creation of the OAH. The Commission included former CALJ Hardwicke, two Cabinet Secretaries and representatives of the Judiciary, business community, labor unions, the MSBA and the Attorney General's Office. The Commission's recommended legislation, Chapter 59 of the Laws of 1993, became effective June 1, 1993. In 1994, revisions to OAH's Rules of Procedure, COMAR 28.02.01, were adopted incorporating the revisions to the APA.

III. Miscellaneous Additional 2007 Activities

A. Administration

1. Personnel

OAH's CALJ is appointed by the Governor for a six-year term. CALJ Dewberry was appointed on May 22, 2002. Executive ALJs serve as the Directors of Quality Assurance and Operations.

OAH began 2007 with 122 authorized positions, all of which were filled at the start of the fiscal year. Sixty of the positions are for ALJs who are appointed

by the CALJ. Of the total filled positions, 31% are African-American, 1% is Hispanic and 72% are women. Of the ALJs, 16% are African-American, 1% is Hispanic and 57% are women. OAH remains committed to maintaining a diverse and qualified workforce. To that end, OAH strives to upgrade salaries as appropriate and to offer a work environment that is both professionally challenging and satisfying.

Current qualifications require that ALJs be bar-admitted attorneys with a minimum of five years of experience. ALJs may be removed for cause and are considered special appointees within the professional service of the State Personnel Management System. ALJ salaries now range from \$75,442 to \$108,134, with the average being \$79,886.

ALJs' work has a significant impact on both public and private interests and requires a high degree of education, skill responsibility and professionalism. The work frequently involves highly complex legal matters, requiring detailed written decisions that must be issued between seven to 90 days after the close of the record.

2. Facilities

OAH's headquarters in Hunt Valley is accessible from I-83 North and provides ample free parking. There are two light rail stations within walking distance of the building and bus service make the building accessible via public transportation.

OAH's Administrative Law Building houses 23 hearing rooms, two attorney-client meeting rooms, a clerk's office, public waiting areas, a law library, which is accessible to the public during normal business hours, as well as offices and training rooms for OAH staff.

In addition to the hearings held at its headquarters location, ALJs travel throughout the State to conduct hearings in all counties. OAH operates satellite offices in Cumberland and Salisbury and has dedicated hearing space in Montgomery County.

B. Operations

OAH's Operations Division:

- is responsible for the scheduling and assignment of cases
- reviews caseload to ensure that backlogs do not develop
- ensures expeditious case management
- monitors the timeliness of decisions
- supervises ALJs, Clerk's Office staff, IT Staff and secretarial staff
- monitors legislation
- oversees OAH's Telework Program
- handles all Public Information Act requests

OAH conducts fair and timely hearings in contested cases for more than thirty State agencies for over 200 different programs, with over 500 hearing types. Except for entities exempted by statute, a Board, Commission or agency head must hear a contested case personally or must delegate authority to hear the case to OAH or, with the permission of the CALJ, a person not employed by OAH. Md. Code Ann., State Gov't § 10-205 (Supp. 2006). In 2007, OAH received 48,808 new cases. Caseload statistics for 2007 are included in Attachment F.

1. Statistics for Special Education Hearings and Mediations

In 2007, OAH conducted an average of three special education due process hearings per month resulting in 44 written special education decisions. There were, however, 320 hearing requests received and the majority of those were scheduled for hearings. Most of those hearing requests were either withdrawn, disposed of via motions or the case settled prior to the hearing date.

It is noteworthy that 306 special education mediation requests were made in 2007, which resulted in an average of 26 mediations being scheduled each month. Of those 306 mediation requests, 144 were actually conducted and 132 settled, resulting in a 92% successful mediation rate.

OAH also conducts mediations in Patient's Bill of Rights, Health Care Matters, Environment and Boat Excise Tax cases. OAH settled 51% of the total number of mediation/settlement conferences that were conducted in 2007.

2. Satellite Office and Outlying Hearing Locations

Although the Administrative Law Building in Hunt Valley is OAH's headquarters, ALJs conduct less than 40% of its hearings at this location. The

remainder of the hearings are held at various locations around the State, including private hospitals and nursing homes. Other hearings are held in government facilities such as courthouses and agency offices. The hearing space at Wheaton Plaza in Montgomery County continues to receive nearly maximum use.

OAH also has an arrangement with DLLR's Unemployment Insurance Hearing Unit with regard to sharing hearing space at various locations throughout the State. Currently, OAH shares hearing space with the Unemployment Insurance office in Hunt Valley and Cumberland.

One ALJ is assigned to OAH's Salisbury office and both satellite offices are fully integrated with the Hunt Valley OAH headquarters through OAH's network. A team leader assigned to Hunt Valley provides oversight and assistance for the satellite offices.

3. Teleworking

OAH based its Telework Program upon legislation that was enacted in 1999 and strictly adheres to DBM's Telework Policies. The Director of Operations is OAH's Telework Coordinator. Each OAH teleworker must sign both an Agency Telework Agreement and an OAH Internal Telework Policy Agreement. ALJs are assigned to telework specific days each month depending on the ALJs' workload and availability.

In 2007, 43 ALJs and OAH's Chief Clerk teleworked for a total of 4,477 hours.

In addition to OAH's telework initiative, ALJs are encouraged to establish remote access to OAH through the Internet using their assigned OAH laptop computers or through their home computers. At the end of 2007, 51 ALJs had remote access to OAH. As a result, those ALJs were eligible to telework and/or work-at-home under OAH's policies regulating both of those programs.

In 2007, ALJs worked at home before, in between and/or after traveling to their dockets for approximately 5,900 hours. During their initial six-month training period, new ALJs are encouraged to spend as much time as possible working at OAH headquarters and are not eligible to telework. They are, however, eligible to work at home under OAH's work-at-home policy. Of course, they must either choose to use an OAH laptop and/or have a personal computer at home, assuming they established remote access to OAH's network.

Allowing ALJs to telework and work-at-home has created operational efficiencies in that ALJs' travel time is reduced and ALJs are able to focus on decision writing with fewer interruptions and distractions. There is also a savings

on fuel, mileage reimbursement, wear and tear on State vehicles and there is a positive impact on Maryland's roads and the environment.

4. Legislation Affecting OAH

The General Assembly passed only a few legislative initiatives, which impact OAH, in the 2007 legislative session. Some of this legislation may generate additional hearings for OAH and others expand the types of remedies that may be considered in various cases. For example: HB 425/SB 389 (Civil Actions – Liability of Insurer – Failure to Act in Good Faith); HB 359/SB 91 (Clean Indoor Air Act of 2007); HB 314/SB 678 (Maryland Human Relations Commission – Hearings and Civil Actions – Relief); SB 970 (Environment – Water Appropriation Permits – Penalties); HB 1203 (Correctional Officers – Reinstatement of Certification After Wrongful Termination); HB 282/SB 255 (State Board of Physicians – Sunset Extension and Program Evaluation); and SB 198 (Task Force to Combat Driving Under the Influence of Drugs and Alcohol).

HB 425/SB 389 (Civil Actions – Liability of Insurer – Failure to Act in Good Faith), may potentially add a significant number of hearings. The bill expanded relief available to policyholders that alleged failure by their own insurance companies to act in good faith in resolving their "first party" property and casualty claims. **House Bill 425/Senate Bill 389** provided that, in a first-party claim under property and casualty insurance policies (including homeowner's, motor vehicle, and commercial policies), an insured who proved that an insurer did not act in good faith may recover expenses and litigation costs, including reasonable attorney's fees not exceeding one-third of the actual damages recovered, in addition to actual damages not exceeding the policy limits and interest. The legislation also established that a single instance of a failure to act in good faith in settling a first party claim is also an unfair claim settlement practice for which MIA may institute an administrative enforcement action that may result in the Insurance Commissioner imposing a fine of up to \$125,000. The Commissioner also may order an insurer to pay actual damages up to the policy limits, expenses, and litigation costs, including reasonable attorney's fees, and interest as part of the restitution ordered if MIA proceeds on a violation under its regulatory enforcement authority. In addition, MIA may proceed with more severe license sanctions against property and casualty insurers currently available under MIA's enforcement authority if an insurer's failure to act in good faith in settling first party property and casualty claims is committed with the frequency to indicate a general business practice.

HB 359/SB 91 (Clean Indoor Air Act of 2007) also potentially promises to increase the number of hearings for the OAH. Starting February 1, 2008, individuals may not smoke in an indoor area open to the public; an indoor place where public meetings are held; a government owned or operated means of

mass transportation including buses, vans, trains, taxicabs, and limousines; or an indoor place of employment. There are a few exceptions as to the reach of the bill, and the health officer of a county may grant a waiver from a specific provision of the smoking ban if the applicant establishes in writing that complying with a specific provision of the waiver would cause undue financial hardship or other factors that would render compliance unreasonable. A person who violates a provision of the bill or a regulation adopted under the bill faces progressively stringent punishments based on the number of violations.

Another piece of legislation that may add a few additional hearings is **House Bill 314/Senate Bill 678**. The bill created a civil cause of action in State circuit courts for workplace discrimination without regard to employer size, where previously a complainant could only file an administrative hearing with the Maryland Human Relations Commission (MHRC) or file in federal court. Now a complainant can choose to file a civil action in either the circuit court or with the MHRC. The bill authorizes an ALJ to award reinstatement, back pay, compensatory damages or appropriate equitable relief. Noneconomic compensatory damages are capped at an amount depending on the size of the employer, ranging from \$50,000 for employers with 15 to 100 employees, to \$300,000 for employers with more than 500 employees.

Although these next two bills do not directly impact the number of hearings, they are significant to note. **HB 282/SB 255 (State Board of Physicians – Sunset Extension and Program Evaluation); and SB 198 (Task Force to Combat Driving Under the Influence of Drugs and Alcohol)**.

Pursuant to **HB 282/SB 255** the CALJ is required to designate a pool of ALJs to hear board complaints and the State Board of Physicians is required to provide annual training to the ALJs.

SB 198 will create a Task Force to look at ways to combat driving while under the influence of drugs and/or alcohol. The task force is required to: review achievements in combating impaired driving within the past 20 years; identify and assess current efforts to address impaired driving; identify national best practices for combating impaired driving; determine if any gaps exist between current State efforts and the identified national best practices; recommend necessary actions to implement national best practices in Maryland; recommend new State initiatives to address populations that are disproportionately responsible for driving fatalities due to impaired driving; recommend actions to sustain and enhance public awareness and concern for the dangers imposed by impaired driving; and recommend strategies for the improved coordination of management, funding, and resources at State and local levels. As previously reported, CALJ Dewberry is a member of this Task Force.

It is important to note that OAH's Legislative Liaison, ALJ Wayne Brooks, who reviews, monitors and testifies on all proposed legislation that affects OAH, also serves as OAH's Deputy Director of Operations, responsible for assisting with the daily operation of OAH and OAH's Public Information Act Officer, responsible for handling all PIA requests in a timely manner; and he is regularly scheduled to hear cases as an ALJ.

C. Quality Assurance (QA)

OAH's Quality Assurance Division:

- oversees the quality of written decisions
- has primary responsibility for the hiring of ALJs and other legal staff
- trains new ALJs
- offers mandatory monthly judicial education for ALJs, paralegals and staff attorneys and out-of-office training programs
- oversees OAH's library
- maintains decision and hearing notice boilerplates, Time Frame matrix, Bench Manuals and Case Digests
- supervises staff attorneys, paralegals, librarian and management associate
- is responsible for OAH's Speaker's Bureau

A major focus of QA continues to be the evaluation of ALJs' performance, which is required by DBM's Performance, Planning and Evaluation Program. QA is responsible for rating all ALJs on their Presence at Hearings and Written Expression. The evaluations are conducted bi-annually and are useful for identifying ALJs who need additional training and support.

QA is primarily responsible for hiring and training new ALJs. Each new ALJ is assigned a more experienced ALJ as a mentor, who helps QA monitor the new ALJ's progress. New ALJs observe other ALJs conduct hearing in a specific subject area before being observed themselves. New ALJs rotate through the major subject areas for approximately six months, after which they are released to conduct the full range of hearings independently.

OAH's computer technology has enabled ALJs to share their work, including decisions, e-mail each other and outside parties, utilize centralized research tools and use on-line research products. In addition, QA is providing valuable support to the ALJ staff and increasing efficiency by maintaining boilerplates, time frames, bench manuals and case digests on OAH's network.

1. Library

OAH's library is open to the public. The librarian and assistant librarian serve both OAH and the public.

Every written decision issued since 1999 is available on OAH's network and can be found electronically by OAH staff; hard copies are also available in the library. Some decisions issued prior to 1999 are searchable manually on an outdated but functional database, called Premise, which is available on a computer located in the library. However, because of the privileged and confidential nature of many of the decisions rendered by the OAH, a Public Information Act request must be submitted to determine if the decision can be reviewed by a member of the public.

OAH librarians scan new law journals and legal research materials available through the internet. Through e-mail, they notify ALJs of interesting articles and cases that pertain to OAH. They provide research assistance to all OAH employees, as well as to the public. The librarians respond to more than ten telephone inquiries each day from the public relating to OAH's decisions and other information available in our library.

QA also oversees collection, development and expansion of services provided by the library to OAH staff, State agencies, the bar and citizens. OAH has contracted with Westlaw, an on-line legal research service. Westlaw and other on-line research tools are accessible to ALJs and legal staff at their desk top computers. QA continues the expansion of the electronic library as well as maintaining and adding to printed material.

2. Continuing Judicial Education

QA offers mandatory monthly training for the ALJs, paralegals and staff attorneys. In addition, QA selects appropriate judicial and special education training programs for ALJs to attend. The 2007 training schedule is at Attachment G.

3. Alternative Dispute Resolution (ADR)



OAH, once again, received a grant from the Mediation and Conflict Resolution Office (MACRO), which is under the auspices of the Maryland Judiciary, to host a 40-hour mediation training session. The 2007 training session was held during the week of December 3rd.

These training sessions are extremely successful and:

- are attended by employees from various State agencies including the OAG, DBM, DHR and DPSCS
- include OAH's newest ALJs and staff attorneys who have not had mediation training
- prepare agency employees to resolve disputes at the agency level or consider mediation in cases where an appeal has been filed with OAH
- certify that each participant "has successfully completed a minimum of 40 hours of mediation training including areas specified in Maryland Rule 17-106"

ADR is extremely beneficial because it includes a number of procedures that are designed to simplify and expedite the resolution of controversies without the need for a hearing or trial.

ADR:

- Generally refers to any procedure that utilizes the services of a neutral party to assist in reaching an agreement
- Avoids the expense, delay and uncertainty of litigation
- Provides a forum for the parties to work toward a voluntary, consensual agreement, as opposed to having an ALJ or other authority decide the outcome of the case
- Includes mediation and settlement conferences, which OAH utilizes frequently
- Encourages and improves communication between the parties
- Is used in OAH's mediation program for Special Education appeals which is a prime example of the benefits of the mediation process. **OAH settled 92% of the Special Education cases mediated in 2007**

4. Speaker's Bureau

QA is responsible for authorizing requests made to the Speaker's Bureau. As previously reported, the 2007 ALJ speaking engagements are highlighted in Attachments A & B.

IV. Conclusions

OAH will continue to work in 2008 to further improve the administrative hearing process so that the citizens of Maryland receive due process in a prompt and efficient manner. Members of OAH's management staff have met with Governor Martin O'Malley's Administration and realize the importance of maintaining open communication with the agencies for which it holds hearings. As always, OAH stands ready to assist in any way that is appropriate.

OAH is proud of the significant community outreach and education that ALJs provided in 2007. As previously noted, ALJs visited high schools throughout the State to discuss the consequences of under age drinking and driving and present the *Branded D.U.I.* film. We are extremely pleased that ALJ Diamond was honored with an Emmy Award for the production of this film and once again

acknowledge the important contributions that Maryland Public Television, the Maryland Judiciary, the Maryland State Bar Association, the Maryland State Department of Education and the Maryland Department of Transportation made in the development and distribution of this film.

In addition, CALJ Dewberry's participation on the Task Force to Combat Driving Under the Influence of Drugs and Alcohol and his chairing of the Raising Public Awareness about the Involvement in Reducing Impaired Driving (Youth/Public Education) Subcommittee places OAH in a unique role of helping to solve Maryland's impaired driving problem. OAH sincerely appreciates the opportunity to participate in developing recommendations that address this serious problem.

ALJs also made numerous presentations to members of Maryland's legal community to provide information on OAH's hearing procedures and the important role that OAH plays in Maryland government.

As reported in the "Information Technology" portion of the report, OAH has made many enhancements to its technology and continuously strives to improve efficiency. The most significant purchases in 2007 were the lap tops and digital recording software and equipment, which will provide the ALJs with the ability to complete day-to-day activities in a more expeditious manner positively impacting OAH's service to Maryland citizens. In addition, the use of the laptops will significantly improve the quality of the recordings of OAH's hearings due to the digital recording software.

OAH remains grateful for the support, hard work and dedication of its employees and the guidance that it receives from the Advisory Council.



Branded D.U.I. Presentations

In 2007, ALJs traveled to Maryland high schools to discuss *Branded D.U.I.*



- January 24 - ALJ Denise Shaffer - The Nora School, a private high school in Silver Spring
- February 20 - ALJ Richard O'Connor - Oakland Mills High School in Columbia
- February 27 - ALJ Yvette Diamond – University of Maryland Law School with members of the Maryland State Bar Association's Administrative Law Section Council
- March 12 - ALJ Yvette Diamond – University of Baltimore Law School with members of the Maryland State Bar Association's Administrative Law Section Council
- March 28 - CALJ Dewberry – Calvert High School in Prince Frederick
- March 29 - ALJ James Murray - Huntingtown High School in Huntingtown
Thomas Johnson High School, Frederick
- August - Baltimore Jewish Times printed an article about *Branded D.U.I.*
- October 21 - ALJ Yvette Diamond – Moses Montefiore Anshe Emunah Synagogue

November 19 - ALJ Yvette Diamond - University of Maryland Law School

Throughout 2007, ALJ Diamond continued to serve as the Judicial Fellow for the National Highway Traffic Safety Administration/ American Bar Association's Judicial Division/National Conference of Administrative Law Judiciary's Judicial Fellowship (NHTSA). In this capacity, ALJ Diamond provides education, resources and outreach to judges and the public throughout the United States aimed at improving highway safety and the delivery of justice.

ALJ Diamond made the following national presentations and reports:

- February – American Bar Association Midyear Meeting in Miami, Florida
- March 27, 2007 – Lifesavers Conference in Chicago, Illinois. ALJ Diamond wrote a scenario and participated on an interactive panel with other judges entitled "You Be the Judge: Significant Traffic Issues"
- May 9 – *Branded D.U.I* at the NHTSA headquarters in Washington, D.C. with regional offices throughout the United States participating via teleconference
- August - American Bar Association's Annual Meeting, San Francisco, California
- August 22 – NHTSA symposium regarding ignition interlocks in Washington, D.C. ALJ Diamond was a featured speaker and the symposium was televised live on C-SPAN
- August 27 – *Branded D.U.I.* presentation at a judicial outreach program at T2007, an international toxicology/ignition interlock/impaired driving conference in Seattle that was attended by lawyers, judges and scientists from 47 countries
- October 18 - National Association of Administrative Law Judiciary's Annual Meeting, Washington, D.C. As previously reported, ALJ Diamond was a member of the faculty.
- December – ALJ Diamond assisted NHTSA with the evaluation of a pilot program regarding the use of telephone testimony of police officers in administrative license revocation hearings.

2007 Community Outreach and Education

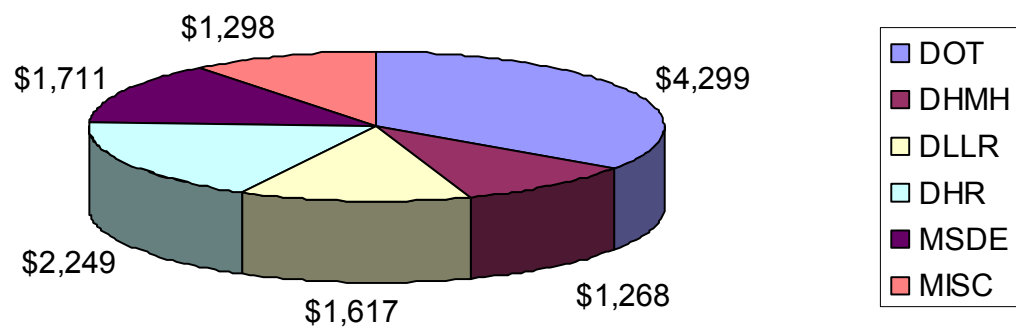
- January 7 - ALJ Klauber served as a trial judge at a Mock Trial competition at St. Mary's College.
- February 6 - ALJ M. Teresa Garland served as a panel presenter at a Harford County Bar Association Continuing Legal Education Program on Social Security Appeals.
- February 6 - *Procedural Pitfalls to Avoid at the OAH: A Case Study* – The following ALJs participated as faculty in this program presented by MICPEL and the Maryland State Bar Association Section of Administrative Law, in cooperation with the University of Baltimore School of Law: CALJ Dewberry, Deputy Director of Operations, ALJ Wayne Brooks and ALJs Deborah Buie; Kathleen Chapman; Yolanda Curtin; James Murray; and Marc Nachman.
- February 27 ALJ Mary J. Craig made a presentation on The Public Information Act to paralegal students at Villa Julie College.
- March 1 ALJ Stuart Breslow served as a trial judge at the Maryland Bar Association's Statewide High School Mock Trial Competition.
- March 16 Director of Quality Assurance, ALJ Laurie Bennett, lectured at the Medical Office for the Circuit Court for Baltimore City on the topic of *Involuntary Admission and Not Criminally Responsible Hearings*.
- May 3 ALJs Judith Jacobson, Ann Kehinde and Jerome Woods gave a presentation at the Pro Bono Resource Center entitled *Practicing before the Office of Administrative Hearings*.
- May 4 ALJ Deborah Buie participated in Ellicott Mill Middle School Career Day and discussed *Administrative Law Judge as a Career* with the students.

- June 11 CALJ Dewberry and Deputy Director of Quality Assurance, ALJ J. Bernard McClellan, gave a presentation at the 2007 Conference of the National Association of Unemployment Insurance Appellate Boards. The presentation was entitled *Ethics and Administrative Law*.
- September 7 CALJ Dewberry gave a presentation at the Maryland Trial Lawyers Association Seminar. The seminar was entitled *First Party Bad Faith* and focused on a new law that was effective on October 1. The presentation was entitled *Practice Before the OAH*.
- September 8 ALJ Diamond was one of four featured speakers at the Moses Montefiore Anshe Emunah synagogue and discussed her accomplishments.
- September 14 CALJ Dewberry attended the first meeting of the Task Force to Combat Driving Under the Influence of Drugs and Alcohol (the Task Force), which was established by House Bill 758. The bill provided that "the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Chief Administrative Law Judge's designee" be a member of the Task Force.
- Following the Task Force's initial meeting, CALJ Dewberry was named Chair of the "Raising Public Awareness about and Involvement in Reducing Impaired Driving (Youth/Public Education) Subcommittee" (the Subcommittee).
- September 28 ALJ Murray gave a presentation at the Maryland Employment Lawyers Association's Annual Conference on "*New Remedies Under Article 49B (anti-discrimination)*".
- October 30 CALJ Dewberry served as an expert panelist on a "Licensing" panel for an Alcohol Assessment conducted by the National Highway Traffic Safety Administration (NHTSA) that was coordinated by the Maryland Highway Safety Office. NHTSA assembled a team of nationally recognized experts to conduct an assessment of Maryland's impaired driving program.
- November 5 CALJ Dewberry chaired a meeting of the Subcommittee.

- November 6 Deputy Director of Quality Assurance, ALJ J. Bernard McClellan, gave a presentation and participated in the "Increasing the Effectiveness of Apprehending and Adjudicating Offenders" subcommittee of the Task Force.
- November 19 ALJ Diamond presented a program about administrative law to the Asper class at the University of Maryland Law School with Judge Joseph H. H. Kaplan, Judge John Fader, Bob Drummer and Amanda Conn

OAH FUNDING FY 2007

In thousands



Continuing Judicial Education

Judicial Training Date	Topic/Agenda	Presenter
January 12, 2007	Motor Vehicle Administration Hearings Update	ALJ McClellan
	Primary Adult Care Program	ALJ Miller
	Incompetent to Stand Trial: Law Update	ALJ Bennett
February 9, 2007	Evidence	ALJ McClellan
	Drawing pictures in WORD	ALJ Miller
March 9, 2007	Westlaw Training	Westlaw Staff
April 13, 2007	State Ethics Commission	Suzanne Fox, Executive Director, State Ethics Commission
	Motor Vehicle Administration Hearings	ALJ McClellan
May 11, 2007	Using the Bluebook	ALJ Fraser
June 15, 2007	Evidence	ALJ Bennett
July 13, 2007	How to Conduct an Effective Settlement Conference	Alternative Dispute Resolution Program, District Court of Maryland Jonathan Rosenthal, Esquire Executive Director and Maureen Dennihan, Esquire, Regional ADR Manager
	Legislative Update	ALJ Brooks
August 10, 2007	Motor Vehicle Administration Hearings	ALJ McClellan
	Recent Opinions of the Court of Appeals and the Court of Special Appeals	Hon. Glenn T. Harrell, Jr., Court of Appeals of Maryland and Hon. James R. Eyler, Court of Special Appeals of Maryland
October 12, 2007	Involuntary Admission Hearings: Historical Perspective and Group Discussion of Procedural Issues	ALJs Craig, Pratt and Shock
November 30, 2007	Special Education: Update	Art Cernosia, Esquire
December 14, 2007	Online IEP demonstration	Maryland State Department of Education staff and Johns Hopkins University, Center for Technology staff
	Child Abuse and Neglect Hearings: Update	ALJs Brady and Shock

Out-of-Office Educational Training		
April 21 – 28, 2007	LRP's 28 th Annual Institute on Legal Issues of Educating Individuals with Disabilities	
May 14 – 19, 2007	6 th National Academy for IDEA ALJs and Hearing Officers	
June 14 – 16, 2007	Maryland State Bar Association – Annual Meeting	
June 19 & 20, 2007	National Association of Administrative Judiciary – Midyear Educational Conference	
October 15 – 17, 2007	24 th Annual Pacific NW Institute on Special Education and the Law	
October 16 - 20, 2007	National Association of Administrative Judiciary - Annual Meeting and Educational Conference	
October 31 – November 3, 2007	Central Panel Directors' Conference	

2007 REPORT OF THE
STATE ADVISORY COUNCIL ON ADMINISTRATIVE HEARINGS

Introduction

The State Advisory Council on Administrative Hearings (the "Council") was created by Chapter 788 of the Laws of 1989, the same act that established the Office of Administrative Hearings (the "OAH" or the "Agency"). The Council was created as a nine-member panel to advise the Chief Administrative Law Judge (the "CALJ") on policy matters relating to the administrative hearings process. In 1999, HB 657 increased the Council membership to ten.

State Government Article (SG) §9-1610(a)(6) of the Maryland Annotated Code requires the Council to submit an annual report to the Legislative Policy Committee of the General Assembly. §9-1610(a)(6) permits the Council and the OAH to prepare and submit joint annual reports. In the interest of government efficiency and economy, the Council submits its 2007 Annual Report in conjunction with the 2007 OAH Annual Report.

Council Membership

The Council experienced several changes in membership in 2007.

Leroy D. Maddox, Esquire, general public representative, served as Chair.

Other Council members are:

- Senator Jamin B. Raskin, appointed by the President of the Senate¹;
- Delegate Victor R. Ramirez, appointed by the Speaker of the House²;
- Dr. Nancy S. Grasmick, agency representative, State Superintendent of the Maryland Department of Education;
- Nathan J. Greenbaum, Esquire, Maryland State Bar Association (MSBA) representative;
- Florine Jones, general public representative³;
- Bruce P. Martin, Esquire, designee of the Attorney General;

¹ On March 12, 2007, the President of the Senate appointed Senator Raskin to replace Senator John J. Hafer.

² On April 3, 2007, the Speaker of the House appointed Delegate Ramirez to replace Delegate Carol S. Petzold.

³ Governor O'Malley appointed Ms. Jones to replace Evelyn McCarter, Representative, American Federation of State, County and Municipal Employees Council 92, who retired.

- Richard Proctor, agency representative, Executive Director, Office of Public Relations and Governmental Affairs, Department of Health & Mental Hygiene ("DHMH")⁴;
- Susan Dishler Shubin, Esquire, MSBA representative; and
- Vacancy, nongovernmental attorney representative⁵.

Also, many of the Council members' terms have expired and the Council wrote to the Governor's Appointments Office on April 11, 2007 requesting the re-appointment of the following members: Leroy D. Maddox, Jr., Esquire; Dr. Nancy S. Grasmick; Nathan J. Greenbaum, Esquire; and Susan Dishler Shubin, Esquire.

In 2007, the Council welcomed the following new members: Richard Proctor at the March meeting; Senator Raskin and Delegate Ramirez at the June meeting; and Florine Jones at the September meeting.

Council Activities During 2007

The Council met in March, June, September and December; all meetings were open to the public. Council members were kept apprised of the OAH's overall operations, the progress of the training of OAH's newest Administrative Law Judges ("ALJs"), the monthly ALJ training programs, the Agency's overall timeliness rate for issuing decisions; and the status of the current year's budget as well as the upcoming fiscal year's budget. It is noteworthy that the OAH's timeliness rate in fiscal year 2007 was 98.83%.

The following are matters that the Council would like to highlight:

ALJ Swearing In Ceremony

OAH's seven newest ALJs were sworn in by CALJ Dewberry on June 7, 2007. This Investiture Ceremony immediately followed the Council's June quarterly meeting and the majority of the Council members attended the ceremony. In recognition of their selection as ALJs, Senator Raskin and Delegate Ramirez presented each of the new ALJs with a citation from the Maryland State Senate and the Maryland House of Delegates.

Security

⁴ On March 7, 2007, DHMH Secretary, John M. Colmers, appointed Richard Proctor to replace Suzanne Potts, Senior Policy Advisor, who resigned from DHMH.

⁵ On March 27, 2007, F. Vernon Boozer, Esquire submitted his resignation. As of December 31, 2007 no one has been appointed to fill this vacancy.

In 2006, at the Council's urging, the OAH requested and received funding for security equipment and personnel. At the September quarterly meeting, CALJ Dewberry reported that the difficult decision had been made to temporarily suspend the use of security personnel. This decision was based upon a deficit that OAH is projecting for its fiscal 08 budget and the expectation is that OAH will resume hiring security personnel when and if funding becomes available.

Branded D.U.I.

In 2006, the Council reported on the joint film project of the OAH and the Administrative Law Section Council of the MSBA, in conjunction with the Administrative Office of the Courts and Maryland Public Television. This film, *Branded D.U.I.*, discusses the dangers of underage drinking and driving. ALJ Yvette Diamond produced the film and the Departments of Education and Transportation made financial contributions to cover the production and distribution costs.

In 2007, many of OAH's ALJs visited area high schools to introduce the film and speak to students about the consequences of drinking and driving. ALJ Diamond continued her service with the National Highway Traffic Safety Administration /American Bar Association's Judicial Division/National Conference of Administrative Law Judiciary's Judicial Fellowship to provide education, resources and outreach to judges and the public throughout the United States to improve highway safety and the delivery of justice.

In addition, on June 16, 2007 ALJ Diamond received an Emmy Award for *Branded D.U.I.* in the category of "Teen Program/Special."

Meetings with Agency Heads

CALJ Dewberry and members of the OAH management staff reported on the "meet and greets" that they conducted with agency heads in May, June and July. The purpose of these meetings was to provide new agency heads with an overview of the OAH. CALJ Dewberry advised the Council members of the positive feedback that he received at these meetings.

Technology

Throughout the year, the OAH provided the Council with details on various technology enhancements that will provide better service to all users of and providers at the OAH as well as enhance office efficiencies. Below are some of the details:

OAH Google Search Engine – The Maryland Department of Budget and Management implemented a new search system for Maryland.Gov and affiliated State government agency websites. The new search engine will provide Maryland State citizens/visitors with efficient and consistent access to information.

OAH Brochure – OAH's IT department designed an OAH brochure template using Microsoft Publisher 2007. OAH's management staff wrote the content for the brochure, which is printed in-house.

The brochure provides an overview and background information on the OAH. It has been distributed to: new agency heads, members of the General Assembly, Central Panel Directors, paralegal students, law school students, OAH; local bar associations, and members of the public who request information on the OAH.

Citrix Presentation 4.5 Server – OAH's IT department worked to set up a Citrix web interface to deliver applications to ALJs with improved performance and security.

Digital Recording System – Administration and Operations apprised the Council throughout the year on the progress of purchasing new lap top computers and digital recording equipment for each ALJ. The new digital recording software will enhance the quality of recordings and allow for an automatic download process of all hearings onto OAH's network.

Training Room – The following items were purchased and installed in OAH's training room to provide full multimedia functionality:

- multimedia projector
- 119 inch (84x84) electric screen
- a video extender, which allows users to connect to the projector from any wireless laptop without having to use a VGA cable
- an audio receiver
- DVD player and
- **speakers**

Miscellaneous

OAH staff also kept Council members apprised of the following:

- Mediation training sessions;
- ALJ speaking engagements;
- International site visits;
- CALJ Dewberry, members of management staff and other ALJs' attendance at local and national association meetings;

- CALJ Dewberry's membership on the Task Force to Combat Driving Under the Influence of Drugs and Alcohol; and
- Legislation that was monitored during the 2007 Legislative Session.

Conclusion

Calendar year 2007 concludes the OAH's 18th year. The OAH was created by the Legislature in response to the public perception that an agency cannot fairly decide appeals of actions it has taken. The Legislature determined that an independent body of ALJs is better suited to make evidentiary rulings, interpret the law and apply the law to evidence. It is noteworthy that former Senator F. Vernon Boozer, (except for a brief interruption) was a member of the Council since the OAH's inception. In addition, he was one of the sponsors of the legislation that created the OAH. The Council wishes to acknowledge and thank former Senator Boozer for his guidance and leadership over the years. He was always an active participant and constant advisor; his expertise, knowledge and support will be missed. Ms. Shubin and Mr. Greenbaum have been members of the Council since OAH's inception and their experience and dedication are greatly appreciated.

The Council is also pleased to welcome its three new members, Senator Raskin, Delegate Ramirez and Ms. Florine Jones. Each of the new Council members are committed to the OAH and realize the importance of ensuring that the citizens of Maryland receive fair and impartial hearings in a prompt and efficient manner.

The Council is concerned that the OAH has not been able to continue to provide security at its Hunt Valley location. It is important that the ALJs and the public are provided with a safe environment and we hope that OAH will resume the use of security personnel in the very near future.

The Council commends the OAH for continually working to improve efficiency through enhanced technology.

The Council congratulates ALJ Yvette Diamond on her Emmy Award for the production of *Branded D.U.I.* We further wish to acknowledge the ALJs for their role in providing outreach to area high schools to discuss the consequences of underage drinking and driving with students.

The Council continues to take its role of advising and supporting the OAH very seriously and looks forward to working with CALJ Dewberry and his management staff in the upcoming year. We appreciate our role as a partner and guide in the furtherance of administrative adjudication.